

WAS IT STOLEN?

John Murphy, a Booster, on Trial for Embezzling Money From His Employer.

A QUESTION OF LAW.

Interesting Developments in How Games of Chance are Said to be Run in Helena for Revenue.

A peculiar case is on trial in Justice Fletcher's court. The evidence is all in, and the arguments will be heard this morning. John Murphy is accused of robbing his employers, Thomas and Martin Crahan, of \$104. Murphy claims that he won the money at one of the innumerable games run at Crahan's saloon and licensed gambling house on Main street. Murphy is familiarly known as a booster for a gambling house, and his conviction or acquittal will have a great deal to do with the booster of the future, whether under the law he will be permitted to win at games and keep the money for himself or whether if he do anything of the kind he is liable to arrest and imprisonment for larceny. The case is a peculiar one and involves a good many law points, whatever may be the opinion of outsiders, so its decision will be looked for with interest.

According to the evidence of the Messrs. Crahan, who are represented by Attorneys Wallace and Bailey, Murphy was formerly in their employ. Thomas Crahan testified that Murphy was an employee and that his duties were to play at games when in interest in them was flagging, so as to keep up the interest, and that he was given money for that purpose. Whether he won or lost, he was expected to return the money of the firm when the games closed if he had not lost it, and receive for his compensation \$3 a day. This money he had always paid to Murphy. The night of Dec. 29 Murphy disappeared, having in his possession \$104 belonging to the firm and that he wished to recover.

Mr. Casey Murphy's attorney, questioned Crahan closely as to the manner of game Murphy was supposed to work for. He said he ran no game but what was licensed and in the eyes of the law a legal game. The game in question was a species of short faro, but was not short faro. Crahan then explained after some legal wrangling how the game was played.

Mr. Casey: Were your cards marked, Mr. Crahan?

Mr. Crahan: Not that I know of. If they were marked it would be much easier for the player to win.

Several witnesses testified to what Murphy's business was when with the Crahans and that he won the money while in their employ.

Murphy took the stand in his own defense. He said he was employed as a booster and that his business was to rope in suckers. For the past two weeks he worked there he received but \$2 a night, because there was not much business being done. He said if he had roped in a \$300 sucker he would probably have received \$10 or \$15 as his share of the proceeds. The defendants description of the game was lucid enough to those who understand the game. He said the cards were all marked and that it was impossible for any one to win unless it was a booster. The dealer would press his thumb down in the aperture in the middle of the box and would always hold the high card back, so as to win when necessary.

He was asked by Mr. Wallace if there was anything wrong with the box, and replied if the attorney was to play a game against him he couldn't win till he died. On being pressed to know if there was anything wrong with the box he replied that he didn't know, but the cards were wrong, as they were marked.

Crahan produced a box and cards, but the defendant did not know how to deal. He, however, doggedly persisted in his statement that no one could win, and that it was a sure-thing game. He further testified he played his own money against the game and he won the \$104 from \$1 he had in his pocket. He was often in the habit of playing against other games in the house, but that is the first time he had ever played against the game, for which he was employed to cap, with his own money.

The theory of the defense is that a man cannot embezzle money from any one if the business calling for the use of that money is not a legitimate calling. The prosecution on the other hand maintains that all gambling games in Helena that are licensed are legal and one who embezzles money from an owner of a game commits an offense the same as if he were to steal from a dry goods or grocery merchant.

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CONTEST IN THE COUNCIL.

Bennett Not Satisfied With the Result of the November Election.

G. A. Bennett, of Missoula, has been in the city since the legislature convened, and is awaiting the time when the president of the council shall appoint the committee on elections, which it is expected will be done to-day. When this is done Mr. Bennett proposes to present his claims before the council, and will attempt to show by evidence and witnesses that he was duly elected over Walter M. Bickford, his opponent, in the November struggle, and believes therefore that his democratic adversary is occupying a seat in the council which he (Bennett) is entitled to. This contest recalls the time when the matter was decided in favor of Bickford, before Judge Sloan at Missoula. Bennett claims that one day the canvassing judge threw out the Trout creek returns, which gave Bennett two majority, and the following day reconsidered his action and counted the precinct in, which gave Bickford 11 majority, and upon this result the latter gentleman was declared elected. The Bonner returns were never counted, having been thrown out, where Bennett was certain he had a good majority. Another point which it is said Bennett will bring to bear, is that at Heron there was a possible 55 votes. A worker for Bennett had had 35 of these cast for his support, but when the returns came in it is alleged that the result showed 105 votes cast, there being but twenty-six for Bennett. When the republican contestant was approached by a reporter for the Independent yesterday, he said he did not care a snap for the office as his many business interests required his attention; also that he had the friendliest feelings for Mr. Bickford, but in justice to the constituency which supported him, he was obliged to take some action.

Mr. Bickford was also seen. He was aware of the fact that the contest would come up, but felt perfectly confident that he would retain his seat. He realized that a republican majority in the council was against him, but as he considered them an honest, impartial body, he had no fears from that

source. "I shall prove," said Mr. Bickford, "that I was elected by not only eleven majority, but by at least one hundred more."

The result of this contest will be watched with interest. Conversation among the legislators on the subject indicates that they are generally favorable to the retention of Mr. Bickford, not only for his superiority from an intellectual standpoint, but it is feared by some that a heated controversy might develop some unpleasant information concerning the republican "secrets of the campaign."

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A MONTANA MAN PROBABLY.

A Helena Attorney a Candidate for the Chief Justiceship.

It has leaked out from unofficial sources that A. J. Davies, an attorney of Helena, is a candidate for the supreme judgeship of Montana, with a fair show of success. Mr. Davies is a newcomer in Montana, having come here from Hot Springs, Ark., where he lived for a number of years. He came to Montana last spring and looked over the field. Deciding to settle in Helena, he returned for his family and removed them here last September. He then returned to Arkansas to attend a session of the supreme court and remained there until after the national election, when he returned home. Mr. Davies stood high at the bar in Arkansas and his name appears in supreme court reports from the thirty-fourth to the fiftieth reports. In the last session of the supreme court he had thirty-two cases, twenty of which he won. He was an associate of Attorney-General Garland, and when he came to Montana bore flattering recommendations from that gentleman as to his worth and ability as a gentleman and a lawyer.

When Mr. Davies learned that Judge McConnell had resigned he telegraphed President Cleveland his application for the position, and was endorsed by the Arkansas bar, the indorsement having been forwarded to Washington. Mr. Davies did not ask the indorsement of the Montana bar on account of his having been here but a short time. A day or so ago he received a letter from President Cleveland informing him that his application had been submitted to Attorney-General Garland, and his report on the application would be considered at the next cabinet meeting. As General Garland and Mr. Davies were once law partners, and as Mr. Davies has been in the territory recommending him from the general there can be but one report. Mr. Davies is a young man about 40 years of age, and if reports are true his chances to succeed Chief Justice McConnell are flattering.

PERSONAL.

Frank Ester, of Bozeman, is again in town.

P. H. Clark, of Martinsdale, is a late arrival.

E. T. Furness, of Miles City, arrived yesterday.

C. H. Clark, of St. Paul, is at the Merchants.

Mrs. J. A. Harvey and wife came in from Craig.

John H. Elder, the Livingston attorney, is in the city.

Judge Jas. A. Duglivan returned to Butte last evening.

D. D. Budd, of Butte, is again here on mining business.

Judge J. C. Robinson came up from Deer Lodge yesterday.

Fletcher M. Burt, of Fort Logan, is at the Grand Central.

Mrs. J. Ross Clark is visiting her sister, Mrs. James Shields.

J. J. D. Manville, of Colorado, is registered at the Grand Central.

Geo. F. Play, of New York city, is a guest at the Grand Central.

John R. Parks, of the Lee Mountain mine, arrived from Rimini yesterday.

C. Henry John W. and Geo. H. Stanton, Dr. R. H. Tait and Dr. W. G. Campbell, all of Great Falls, are at the Merchants.

Wm. Scallon, the Butte attorney, arrived from the smoky city. He states that Maguire's opera house is once more in course of construction, the workmen having been paid their wages and assured they would hereafter be paid weekly.

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REPORTORIAL NOTES.

Thomas Cassidy and Matilda Richards were granted a marriage licence yesterday. Both are of Helena.

Mrs. Matilda Aggens has been appointed guardian of the minor heirs of the estate of Henry Aggens deceased.

Operations on the Major Budd mine have been suspended owing to some entanglement among the "promoters."

The certificate of incorporation of the West Mining and Milling company with a capital stock of \$1,000,000 has been filed with the territorial secretary. The principal offices is in Helena, with John Shaw, James E. Kelly, James Sea, A. A. Torneo, S. A. Balliet and J. M. Clements, trustees.

City Marshal Hard yesterday levied an attachment on the tailor shop of Schuller, on lower Main street. This was done upon an order from "Uncle Sam," who alleges that Schuller owes him \$100. The latter party says the trouble will be settled to-day, as he claims the affair grew out of a misunderstanding.

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Reserve your sleeping car berths for the St. Paul excursion at the Montana Central city ticket office.

A New Machine.

A new 500-light incandescent machine was shipped from the factory the 10th inst. for the Helena Steam Power and Lighting Co. This, when running, will increase the capacity of the plant to 1,500 incandescent lights and 180 arc lights. The company is now furnishing 900 incandescent lights. The plant, when complete, will be able to furnish 5,000 incandescent lights and 200 arc lights.

An Eminent Electrician.

Mr. H. B. Warren, an electrician of national reputation is now in Helena supervising the plant and lines of the Helena Steam Power and Lighting company. The results of his inspection and advice will place this plant in the front rank of electric light stations in the country.

Correction.

Geo. Benz & Co., of St. Paul, large wholesale liquor merchants, will open a branch house in Helena about March 1.

The above is incorrect. They will not establish a branch house here, but Mr. W. E. Hoag, representing them, will open an office here, in skin this has headquarters for Montana and Washington territory.

Rheumatism is caused by lactic acid in the blood, which Hood's Sarsaparilla neutralizes and thus cures rheumatism.

THE KNIGHTS' TEMPLAR.

Installation Ceremonies and Banquet of Helena Commandery Last Evening.

The officers elect of Helena Commandery No. 2, Knights Templar, or as many of them as were able to be present (several being detained at home by sickness) were installed at the commandery asylum last evening by Eminent Grand Commander A. J. Fisk, in the presence of a fair sized company of Knights of that commandery and of visiting brethren. The ceremony was impressively conducted by the eminent grand commander, who installed the following Sir Knights in the posts designated: Charles W. Turner, eminent commander; E. D. Neill, captain-general; Samuel R. Douglas, senior warden; John Moffatt, junior warden; T. L. West, standard bearer; W. D. Smith, sword bearer; John C. Major, sentinel.

At the conclusion of the ceremonies the Helena Sir Knights escorted their guests to the banquet room, where a satisfying collation was served under the direction of B. W. S. Folk. When that had been disposed of Eminent Grand Commander Fisk proposed a number of toasts, to which responses were made by Sir Knights E. G. Brooke, the oldest member of Helena commandery; A. C. Logan, grand master of Montana; J. E. Saxton, member of the house of representatives for Meagher county; Fitzpatrick, of Leavenworth, Kas.; William Thompson, member of the council for Silver Bow county; Judge C. Hedges and G. G. Martin, of Helena, and Talbot, of Butte. The affair was highly enjoyed by the Knights.

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Horses for Cincinnati.

Thos. J. Farrell, of the firm of Farrell & Varney, prominent horse-breeders and stock-growers of Madison county, arrived in the city last evening from Bozeman. From the latter place Mr. Farrell shipped a carload of horses to Cincinnati, which he had just driven up from his farm on the Madison. These horses are heavy work animals, to be used for street car and other purposes. The gentleman reports that stock in his section are doing nicely, and not a pound of hay has been fed yet this winter. Along the banks of the Madison river no snow has yet fallen that interferes with grazing, and the weather is unusually mild.

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Dr. G. A. Rawson

Makes a specialty of chronic diseases. Offices 105, 107, Grand street, 104, 106 Breckinridge street. Office hours 10 to 12 m., 2 to 4 and 7 to 8 p. m., Helena, Mont.

Ice Carnival.

A good opportunity is afforded every one to take in the St. Paul Ice Carnival from Jan. 23 to Feb. 1. The Northern Pacific will have round trip tickets on sale Jan. 20, 23 and 26, good for ninety days. Price, \$40 for the round trip.

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SPECIAL NOTICES.

Syrup of Figs Cleanses the System.

Syrup of Figs is Pleasant and Effective.

Use Syrup of Figs for Constipation.

Excelsior Lodge, No. 5, I. O. O. F.

A regular meeting of the above Lodge will be held (Wednesday) evening at their Lodge room in this city at 7 o'clock.

Sojourning Brothers are cordially invited to attend.

D. J. WAIT, Secy.

CHAS. M. WILLIAMS, N. G.

THE ABORN LOTTERY!

Success of the Scheme Assured

IMPORTANT NOTICE:

How to Make Remittances:

Remit by Postal Note, Express,

Money Order, New York or

Chicago Exchange or

Draft.

PRICE OF TICKETS:

Single Whole Tickets.....\$5 00

Book of 5 Whole Tickets.....\$ 20 00

Book of 10 Whole Tickets.....\$ 40 00

Book of 20 Whole Tickets.....\$ 80 00

Book of 50 Whole Tickets.....\$ 200 00

Book of 100 Whole Tickets.....\$ 400 00

Book of 200 Whole Tickets.....\$ 800 00

Book of 500 Whole Tickets.....\$ 2000 00

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